

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

(1) TROY D. GERMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-19-751-F
)	
(1) BILLY D. "RUSTY" RHOADES,)	
Individually;)	
(2) MICHAEL HARRELL, individually)	
(3) BRIAN ORR, individually, and,)	
(4) MEGAN SIMPSON, individually.)	
)	
Defendants.)	

EXHIBIT LIST OF DEFENDANT ORR

COMES NOW, Defendant Brian Orr, by and through his Attorneys of Record, S. Alex Yaffe Esq. and Andrew M. Casey, Esq. and submits the following exhibit list for use at trial. DEFENDANT notes that discovery is ongoing and this list is subject to revision and supplementation as appropriate.

I. EXHIBITS EXPECTED TO BE USED

1. Filings related to the State of Oklahoma v. Troy German, Case No. CF-2019-713 (Okla. Cty. Dist. Ct.);
2. Filings related to the State of Oklahoma v. Troy German, Case No. CF-2019-967 (Okla. Cty. Dist. Ct.);
3. OSCN docket sheet for State of Oklahoma v. Troy German, Case No. CF-2019-713 (Okla. Cty. Dist. Ct.);
4. OSCN docket sheet State of Oklahoma v. Troy German, Case No. CF-2019-967 (Okla. Cty. Dist. Ct.);

5. Troop Z investigation materials including evidence list and chain of custody list;

ITEM A1: CELL PHONE. On Monday, December 17, 2018, this item was obtained by Trooper TRA YE ROSS. At 11 :26 AM., ROSS transferred the item to Trooper MA TT GOTTSCHALK. At 11 :44 AM., GOTTSCHALK secured this item in the Oklahoma Highway Patrol Investigations Division Evidence Room (Z-E). On Thursday, December 20, 2018, at 4:20 P.M., Trooper AARON MCKEY removed this item from Z-E. At 5:08 P.M., MCKEY relinquished this item to Captain TROY GERMAN.

ITEM A2: DATA. On Monday, December 17, 2018, this item was collected by GOTTSCHALK. At 1:31 P.M., GOTTSCHALK transferred this item to the Network Attached Server (NAS) for long term storage.

ITEM A3: DATA. On Tuesday, December 18, 2018, this item was collected by Investigator DARREN GORDON, with the Oklahoma County District Attorney's Office, who immediately transferred the item to GOTTSCHALK. On Wednesday, December 19, 2018, GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM: A4: CELL PHONE: On Monday, December 17, 2018, this item was collected by Captain JASON HOLT and secured inside Z-E. On January 3, 2018, at 9:07 AM., Trooper CLIFFORD KINSLER removed this item from Z-E. At 10:04 AM., this item was transferred to University of Oklahoma Police Department, Master Sergeant STEVE CHANDLER for processing. On January 23, 2019, at 1 :09 P.M., this item was transferred to KINSLER. At 2:13 P.M., KINSLER secured this item inside Z-E. On Wednesday, January 30, 2019, at 8:15 a.m., HOLT removed this item from Z-E. On Thursday, January 31, 2019, at 7:40 a.m., HOLT transferred the item to Homeland Security Investigations Analyst AHNTHONY METER. However, HOLT remained with the item. The item was then carried by HOLT to the adjoining office of Tulsa Police Department Computer Forensic Lab Detective ERIC LEVERINGTON. At 10:55 AM., HOLT took final custody of the item from the computer lab. On Monday, February 4, 2019 at 8:45 AM., HOLT secured this item in Z-E

ITEM A5: DATA. On Thursday, January 31, 2019, this item was collected by LEVERINGTON, who immediately transferred it to HOLT. At 2:42 P.M., HOLT transferred this item to the NAS for long term storage.

ITEM 81: DOCUMENT. On Monday, December 17, 2018, this item was collected _by ROSS. At 1:15 P.M., ROSS secured this item in 2-E.

ITEM 82: LAPTOP. On Monday, December 17, 2018, this item was collected by ROSS. At 1:15 P.M., ROSS secured this item inside 2-E. On December 18, 2018, at 2:53 P.M., Trooper KEVIN LOGAN removed this item from 2-E. At 3:57 P.M., LOGAN secured this item inside 2-E. On December 19, 2018, at 9:26 AM., LOGAN removed this item from Z-E. At 11 :06 AM., this item was transferred to Secret Service Agent AL LASSITER, for processing. On January 11, 2019, at 12:50 P.M., this item was transferred to LOGAN. At 2:10 P.M., LOGAN secured this item inside Z-E.

ITEM D1: THUMB DRIVE. On Monday, December 17, 2018, this item was collected by Trooper ANTHONY LINARES. At 5:25 P.M., this item was transferred to Trooper MICHAEL WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., Trooper MICHAEL ORR removed this item from Z-E. At 11:11 A.M., ORR transferred custody of this item to United States Secret Service (USSS) SSA AL LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E

ITEM D1-1: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. At 7:05 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D2: LAPTOP. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On December 18, 2018, at 2:53 P.M., LOGAN removed this item from Z-E. At 3:57 P.M., LOGAN secured this item inside Z-E. On December 19, 2018, at 9:26 AM., LOGAN removed this item from Z-E. At 11 :06 AM., this item was transferred to Secret Service Agent AL LASSITER, for processing. On January 11, 2019, at 12:50 P.M., this item was transferred to LOGAN. At 2:10 P.M., LOGAN secured this item inside 2-E.

ITEM D3 – D6 list: TABLET. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E

Items D4 – D6

ITEM D6-1: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. On Thursday, December 20, 2018, at 10:45 AM., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D7: DRIVER LICENSE. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., ORR removed this item from Z-E. At 11 :11 A.M., ORR transferred custody of this item to LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E.

ITEM D8: DIGITAL MEDIA. On Monday, December 17, 2018,. this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E.

ITEM D8-1: DATA. On Friday, December 21, 2018, this item was collected by GOTTSCHALK. At 12:43 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D8-2: DATA. On Friday, December 21, 2018, this item was collected by GOTTSCHALK. At 12:43 P.M., ROSS transferred this item to the NAS for long term storage

ITEM 08-3: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :02 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 08-4: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :09 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 08-5: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :42 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 08-6: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :45 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 08-7: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :51 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 08-8: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 11 :51 AM., ROSS transferred this item to the NAS for long term storage.

ITEM 09: THUMB DRIVE. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., ORR removed this item from Z-E. At 11:11 AM., ORR transferred custody of this item to LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E

ITEM D10: MEMORY CARD. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., ORR removed this item from Z-E. At 11: 11 AM., ORR transferred custody of this item to LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E.

ITEM 010-1: DATA. On Thursday, December 20, 2018, this item was collected by GOTTSCHALK. At 11:08 AM., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D11: DOCUMENT. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E

ITEM 012: DVDS. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E.

ITEM D12-1: DATA. On Wednesday, January 2, 2019, this item was collected by ROSS. At 9:19 AM., ROSS transferred this item to the NAS for long term storage.

ITEM D12-2: DATA. On Wednesday, January 2, 2019, this item was collected by ROSS. At 9:19 AM., ROSS transferred this item to the NAS for long term storage.

ITEM D12-3: DATA. On Wednesday, January 2, 2019, this item was collected by ROSS. At 9:19 AM., ROSS transferred this item to the NAS for long term storage.

ITEM D12-4: DATA. On Wednesday, January 2, 2019, this item was collected by ROSS. At 9:19 AM., ROSS transferred this item to the NAS for long term storage.

ITEM D13: THUMB DRIVES. On Monday, December 17, 2018, this item was collected by WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., ORR removed this item from Z-E. At 11:11 AM., ORR transferred custody of this item to LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E

ITEM D13-1: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. On Thursday, December 20, 2018, at 1:15 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D13-2: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. On Thursday, December 20, 2018, at 10:58 AM., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM _D13-3: DATA. On Thursday, December 20, 2018, this item was collected by GOTTSCHALK. At 1 :00 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D13-4: DATA. On Thursday, December 20, 2018, this item was collected by GOTTSCHALK. At 1:00 P.M., GOTTSCHALK transferred this item to the NAS for long term storage

ITEMS D14-D15-1 AS DEPICTED IN THE CHAIN OF CUSTODY LIST IN THE TROOP Z REPORT

ITEM D16: THUMB DRIVE. On Monday, December 17, 2018, this item was collected by WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E. On Friday, January 4, 2019, at 10:34 AM., ORR removed this item from Z-E. At 11:11 A.M., ORR transferred custody of this item to LASSITER. On Friday, January 11, 2019, at 12:50 P.M., LASSITER transferred this item to LOGAN. At 2:10 P.M. LOGAN secured this item in Z-E.

ITEM D16-1: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. On Thursday, December 20, 2018, at 11 :04 AM., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM D17: PRINTER. On Monday, December 17, 2018, this item was collected by KINSLER. At 5:25 P.M., this item was transferred to WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E.

ITEM D18: DVD. On Monday, December 17, 2018, this item was collected by WALLACE. At 7:18 P.M., WALLACE secured this item in Z-E.

ITEM D18-1: DATA. On Thursday, December 27, 2018, this item was collected by ROSS. At 10:30 AM., ROSS transferred this item to the NAS for long term storage.

ITEM D-19 – D-21 AS DEPICTED IN CHAIN OF CUSTODY LIST IN TROOP Z REPORT

ITEM E1-1: DATA. On Wednesday, December 19, 2018, this item was collected by GOTTSCHALK. At 5:34 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM F1: THUMB DRIVE. On Friday, January 11, 2019, at 12:50 P.M., this item was obtained by LOGAN. On Wednesday, January 23, 2019, at 12:40 P.M., LOGAN secured this item inside

Z-E.

ITEM F2: DATA. On Friday, January 11, 2019, at 12:50 P.M., this item was obtained by LOGAN. On Friday, January 18, 2019, at 9:43 A.M., LOGAN transferred this item to the NAS for long term storage.

ITEM G1: CELL PHONE. On Tuesday, December 11, 2018, at 3:30 P.M., this item was obtained by GOTTSCHALK. At 5:30 P.M., GOTTSCHALK returned the item to Commissioner RUSTY RHOADES. On Thursday, December 27, 2018, at 1:00 P.M., this item was obtained by GOTTSCHALK. At 2:45 P.M., this item was returned to RHOADES. On January 11, 2019, at 8:50 A.M., this item was obtained by KINSLER. At 10:00 AM., this item was transferred to University of Oklahoma Police Department, Master Sergeant STEVE CHANDLER for processing. At 10:45 AM., this item was transferred to KINSLER. At 12:41 P.M., this item was returned to RHOADES.

ITEM G1-1: DATA. On Friday, January 11, 2019, at 10:45AM., this item was obtained by KINSLER. At 2:45 P.M., KINSLER transferred this item to the NAS for long term storage.

ITEM G1-2: DATA. On Tuesday, December 11, 2018, at 5:30 P.M., this item was obtained by GOTTSCHALK. On Sunday, February 3, 2019, at 1:10 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

ITEM G1-3: DATA. On Thursday, December 27, 2018, at 2:20 P.M., this item was obtained by GOTTSCHALK. At 5:12 P.M., GOTTSCHALK transferred this item to the NAS for long term storage.

6. Troop Z investigative file excluding interview summaries;
7. Dept. of Public Safety Discipline Report by Commissioner John Scully for: Brian Orr;
8. Dept. of Public Safety Discipline Report by Commissioner John Scully for: Dawson Blacklee;

II. EXHIBITS THAT MAY BE USED IF NEED ARISES

9. Interview summaries in Troop Z investigative file;
10. All exhibits used in any deposition conducted as part of this case;
11. Transcripts of all depositions conducted as part of this case;
12. Any exhibit listed by any other party in this case not objected to by RHS Defendants;
13. Documents necessary for rebuttal.
14. This list will be supplemented during discovery or as otherwise required by the Federal Rules of Civil Procedure or the Court's Scheduling Order. Discovery is ongoing

Discovery is ongoing, subpoenas have been issued that are not yet answered. This exhibit list will be supplemented pursuant to the Federal Rules of Civil Procedure and the Court's Scheduling Order.

Respectfully Submitted,

/s/Andrew M. Casey

S. ALEX YAFFE, OBA No. 21063

ANDREW M. CASEY, OBA# 32371

Foshee & Yaffe

12231 S. May Ave.
Oklahoma City, OK 73170
Telephone: 405-378-3033
Facsimile: 405-632-3036

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2020, I filed the above document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

s/ Andrew M. Casey